

PEARSON, J.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

IN RE: EAST PALESTINE TRAIN)
DERAILMENT) CASE NO. 4:23CV0242
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)
) JUDGE BENITA Y. PEARSON
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)
) ORDER

JOSHUA TURNER,)
Plaintiff,) CASE NO. 4:23CV0870
v.)
ALAN SHAW, *et al.*,) JUDGE BENITA Y. PEARSON
Defendants.) ORDER

On April 5, 2023, the Court, pursuant to [Fed. R. Civ. P. 42](#), consolidated 31 cases that had been filed regarding the February 3, 2023 Norfolk Southern train derailment in East Palestine, Ohio. *See Order* ([ECF No. 28](#) in No. 4:23CV0242). The Court also appointed Seth A. Katz, M. Elizabeth Graham, Jayne Conroy, and T. Michael Morgan¹ as Co-Lead Counsel. The Order sets forth the responsibilities that Co-Lead Counsel, in consultation with the Members of

¹ Attorney Morgan will represent individuals (such as *Pro Se* Plaintiff Joshua Turner) and entities who have elected to file cases outside the class action, but are not opposed to the class structure. *See ECF No. 28 in No. 4:23CV0242 at PageID #: 563 n. 3.*

the Executive Committee, shall have “on behalf of all Plaintiffs in this action and any additional related actions that are consolidated with this action (collectively, ‘the Action’).” [ECF No. 28 in No. 4:23CV0242 at PageID #: 565.](#)

On April 12, 2023,² *Pro Se* Plaintiff Joshua Turner, a state prisoner at the Ohio State Penitentiary, filed Case No. 4:23CV0870. The case was originally filed in the Southern District of Ohio. It was transferred to the Northern District of Ohio on April 26, 2023. Yesterday, the case was transferred to the docket of the undersigned as related to Case No. 4:23CV0242. *See Order of Transfer* ([ECF No. 5](#) in No. 4:23CV0870).

Case No. 4:23CV0870, a related action, is hereby consolidated into Case No. 4:23CV0242 for pretrial purposes pursuant to [Rule 42](#). Further proceedings in Case No. 4:23CV0870 are stayed.

The Clerk is directed to issue a copy of this Order and a copy of the Docket Sheet for Case No. 4:23CV0242 by regular mail to Joshua Turner, #798-557, Ohio State Penitentiary, 878 Coitsville-Hubbard Road, Youngstown, OH 44505.

IT IS SO ORDERED.

May 2, 2023
Date

/s/ *Benita Y. Pearson*
Benita Y. Pearson
United States District Judge

² Under the prison mailbox rule, a prisoner’s action is deemed filed on the date it was presented to prison officials for mailing. [Miller v. Collins, 305 F.3d 491, 497-98 \(6th Cir. 2002\)](#) (citing [Houston v. Lack, 487 U.S. 266 \(1988\)](#)); *see also* [Bowlds v. Dortch, No. 4:10-CV-P61-M, 2010 WL 2203258, at *2 \(W.D. Ky. May 26, 2010\)](#) (applying the mailbox rule to a civil rights action brought pursuant to [42 U.S.C. § 1983](#))).